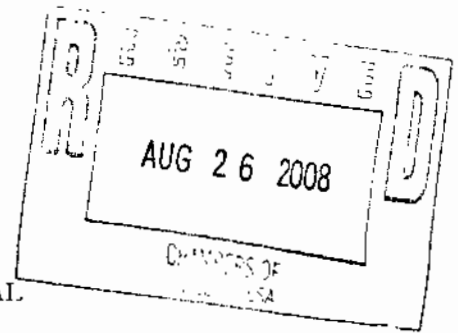


NHM

MEMO ENDORSED

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

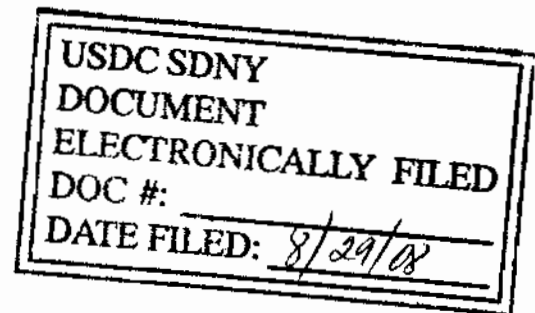
LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

(212) 416-8922

August 22, 2008

Honorable Thomas P. Griesa
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Rm. 1630
New York, New York 10007



Re: McCrory v. Martinez, et al. /08 Civ. 0560 (TPG) – *Pro Se*

Dear Judge Griesa:


The Office of the Attorney General of the State of New York represents Corrections Officers G. Martinez and M. Seobarran (the "Defendants") in the above-referenced matter. On June 13, 2008, Defendants filed a motion to dismiss this action. On August 7, 2008, the undersigned received from Plaintiff an amended complaint. In recognition of Plaintiff's amended complaint, Defendants withdraw their pending motion to dismiss. In so doing, Defendants request an extension of time to respond to the amended complaint, from August 22, 2008 to and including September 19, 2008.

This is Defendants first request for an extension of time. Plaintiff, pro se, has not been contacted for his consent as he is presently incarcerated. An extension of time is necessary to allow this Office to investigate the facts, research the applicable law and draft responsive papers.

Wherefore, it is respectfully requested that Defendants' request for an extension to move or answer with respect to the amended complaint to and including September 19, 2008 be granted.

Approved: *Thomas P. Griesa*
8/26/08 *USD*

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas M. Biesty". The signature is written in a cursive, flowing style.

Thomas M. Biesty
Assistant Attorney General

CC: George P. McCrory (via U.S. Mail)
85 C 0371
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562